

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Status of the claims

Claims 1-2, 4-7, 14-15, 17-20, 24-25, 43, 45-56, 67-74, 81, 84-87 and 89-91 were pending and under active consideration in the subject application. With this Response, claims 87 and 89-91 have been amended. No new claims have been canceled or newly added. Hence, upon entry of this paper, claims 1-2, 4-7, 14-15, 17-20, 24-25, 43, 45-56, 67-74, 81, 84-87 and 89-91 will remain pending and under active consideration.

Claim rejections under 35 U.S.C. § 112

Claims 87 and 89-91 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter claimed invention. In particular, the Examiner has noted that claims 87 and 89-91 are directed to “methods” although they depend from compound claims. With this submission, Applicants have corrected the inadvertent error. Withdrawal of the rejection is thus respectfully solicited.

Claim restriction – Statement of the substance of an Interview

Undersigned counsel wishes to sincerely thank Examiner Zara for extending the courtesy of a telephone interview on March 17, 2010. As noted in the Interview Summary of even date, the Examiner kindly agreed to withdraw the restriction. Indeed, all of the restricted groups of claims had already been examined.

Species election

In response to the election of species requirement, Applicants elect, with traverse, SEQ ID NO: 12 to serve as the starting point for the Examiner’s search. All of the pending claims—**1-2, 4-7, 14-15, 17-20, 24-25, 43, 45-56, 67-74, 81, 84-87 and 89-91**—encompass the elected species. Applicants understand, however, that once the elected species is determined to be allowable, the Examiner will consider the patentability of the generic claims. 37 C.F.R. § 1.141.

Applicants respectfully traverse the election requirement on the grounds that the Office has not shown that there would be a serious burden to examine all of the claims together. As set forth in MPEP § 803, there must be a serious burden on the Examiner if election is required. Because a burden must be shown, and because the Office has not demonstrated such a burden, Applicants respectfully request that the election requirement be withdrawn.

Conclusion

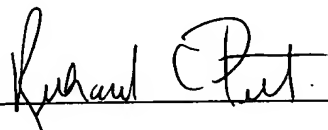
Applicants believe that the present application remains in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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